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ORDINANCE NO. 47-049

AN ORDINANCE PROVIDING AMENDMENTS TO SECTION III-B.10.d.(1), SECTION III-B.10.d.(4)(a), SECTION III-B.10.d.(4)(b), SECTION III-B.10.f.(2), SECTION III-E.1., AND SECTION IV-A.4., AND CREATING SECTION IV-B.3.a.(1) AND SECTION VII-G.2.g. OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (APRIL 19, 2001 EDITION), AS ADOPTED BY REFERENCE IN CITY OF WICHITA CODE SEC. 28.04.010 BY ORDINANCE NO. 44-975, DEALING WITH MANUFACTURED HOMES.

WHEREAS, under the authority of K.S.A. 12-741, *et seq.*, the City of Wichita desires to adopt amendments to the Wichita-Sedgwick County Unified Zoning Code pertaining to manufactured homes; and

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission recommended adoption of the amendments on May 18, 2006, after notice and hearing as provided by law under the authority granted by K.S.A. 12-741, *et seq.*;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA:

SECTION 1. Section III-B.10.d.(1) of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to read as follows:

Minimum site area: In the City of Wichita, a minimum of 5 acres shall be required for the MH district. Minimum size in the unincorporated area shall be as determined by the County Department of Code Enforcement.

SECTION 2. Section III-B.10.d.(4)(a) of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to read as follows:

Manufactured Home Parks. All structures within Manufactured Home Parks, whether permanent or temporary, shall be setback at least 25 feet from public street rights-of-way, at least 20 feet from all other lot lines and at least 5 feet from private roadways interior to the Manufactured Home Park. A minimum separation of 10 feet shall also be maintained between all manufactured home units within the Manufactured Home Park.

SECTION 3. Section III-B.10.d.(4)(b) of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to read as follows:

Manufactured Home Subdivisions. All structures within Manufactured Home Subdivisions shall be setback at least 25 feet from arterial street rights-of-way, and at least 25 feet from the front lot line, at least 20 feet from the rear lot line and at least 5 feet the side lot lines. Garage and carport entrances shall be setback at least 20 feet from public street rights-of-way.

SECTION 4. Section III-B.10.f.(2) of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby repealed.

SECTION 5. The property development standards schedule for residential zoning districts in Section III-E.1. of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to read as follows:

Property Development Standards-Residential Zoning Districts

DEVELOPMENT STANDARD	ZONING DISTRICT								
	RR	SF-20	SF-10	SF-6	TF-3	MF-18	MF-29	B	MH
Minimum Lot Size (square feet)									
Single-family	2 Ac	20,000 ¹	10,000	6,000	3,500	3,500	3,500	2,500	5,000 ²
Duplex (lot area per unit)	N/A	N/A	N/A	N/A	3,000	3,000	3,000	2,000	N/A
Multi-family (lot area per unit)	N/A	N/A	N/A	N/A	3,000	2,500	1,500	580	N/A
Nonresidential	2 Ac	20,000 ¹	10,000	6,000	6,000	6,000	6,000	5,000	10,000
Minimum lot width (feet)	200	100	80	50	35	35/50 ³	35/50 ³	None	40 ⁵
Front Setback (feet)	30	25	25	25	25	25	25	20	25 ⁸
Rear Setback (feet)	25	25	25	20	20	20	20	15	20 ⁸
Interior Side Setback (feet)	20	10	10	6 ⁶	6 ⁶	6	6	5	20/5 ⁸
Street Side Setback (feet)	20	20	20	15	15	20	20	5	25/20/5 ⁸
Maximum Height (feet)	35 ²	35 ²	35	35	35	45	45	55 ⁴	35

- Standards may be higher if private water or septic; minimum size for nonresidential established by County Health Dept.
- Maximum height = 45 feet if located at least 25 feet from all lot lines; no height limit for barns, silos and similar farm buildings.
- Minimum lot width = 35 feet for single-family; 50 feet for all other uses.
- One foot of additional height is allowed for each foot of setback beyond minimum required setbacks.
- 40 feet for lots within MH subdivisions; 200 feet for MH parks; 100 feet for all other uses.

6. For zero lot line developments, see the Property development standards section of the use district.
7. 5,000 square feet for lots within MH subdivisions; 5 acre minimum lot size for MH parks in the city; minimum lot size of MH parks in the county determined by County Department of Code Enforcement.
8. See Section III-B.d.(4).

SECTION 6. The off-street parking schedule for Residential – Manufactured Home of Section IV-A.4. of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to read as follows:

LAND USE	NUMBER OF SPACES REQUIRED
RESIDENTIAL	
Manufactured Home	2.5 per dwelling unit

SECTION 7. Section IV-B.3.a.(1) of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) is hereby created to read as follows:

(1) **Screening for manufactured home park.** Where the manufactured home park abuts an arterial or collector street, screening shall be provided to prevent the passage of debris and light and to mitigate adverse visual impacts. Screening shall be in the form of a wall or fence constructed of brick, stone, concrete masonry, stucco, concrete, wood, or other similar materials or in the form of evergreen vegetation. Said screening requirement shall apply only to manufactured home parks developed on property for which the “MH” zoning district is established after June 23, 2006.

SECTION 8. Section VII-G.2.g. of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) is hereby created to read as follows:

- g. For non-conforming manufactured home parks within the City of Wichita, the failure to license such parks, as required by Chapter 26.04 of the Code of the City of Wichita for a period of 24 consecutive months shall constitute abandonment of the non-conforming use.

For non-conforming manufactured home parks within the City of Wichita with fewer than five manufactured home spaces, the failure to occupy any space for a period of 12 consecutive months shall constitute an abandonment of the non-conforming use for the particular space. A space shall be considered occupied if the manufactured or mobile home meets the minimum requirements for a residential occupancy

permit and utilities have not been disconnected for greater than 180 consecutive days.

For non-conforming manufactured home parks within the City of Wichita, the failure to license a manufactured home space pursuant to chapter 26.04 for a period of twelve consecutive months shall constitute abandonment of the non-conforming use for that space. Such space may not be subsequently licensed by Chapter 26.04 and has lost its allowed non-conforming use.

SECTION 9. This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its adoption and publication once in the official City newspaper.

PASSED AND ADOPTED by the governing body at Wichita, Kansas, this 20th day of June, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney